

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES T. ROCHE

PETITIONER

VERSUS

CIVIL ACTION NO. 1:09CV311-LG-RHW

RON KING

RESPONDENT

CERTIFICATE OF APPEALABILITY

A final order adverse to the applicant having been filed in the captioned habeas corpus case, in which the detention complained of arises out of process issued by a state court, the Court, considering the record in the case and the requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, hereby finds that:

 X A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.

 A Certificate of Appealability should issue for the following specific issue(s):

Date: March 8, 2010

Louis Guirola, Jr.

UNITED STATES DISTRICT JUDGE